

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 9 and 16 are currently being amended.

Claims 7, 14 and 19 are currently being cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 8, 9-13, 15, 16-18 and 20 (17 claims) are now pending in this application.

On page 2, paragraph 2 of the Office Action, the Examiner has rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by F.C. Johnston, et al (USPN: 3,004,097) Johnston discloses a busway system.

In response, Applicant respectfully traverses the Examiner's characterization of the present application. It is submitted that Johnston does not teach or disclose the second and third bore as required in claim 1, as amended, of the present application nor does Johnston provide a fastener that extends through each of the splice plates and insulator assemblies as disclosed and now claimed in the present application. In Johnston, as clearly shown in Fig. 4, the fastener 54 does not pass through the elements listed by the Examiner. Further, the coupling of the bus sections in the present application function differently than disclosed in Johnston.

In the present application, Applicant has amended independent claims 1, 9 and 16 to recite that a fastener extends through the first, second and third bores and forces the conductor/insulator assembly between the first and second splice plate into contact with the busway sections. In contrast, Johnston discloses and teaches the tightening of the pressure

bolt 54 which moves the shoulder 54 inwardly compressing the resilient member 56 against the sides of the insulator members 36b as more fully described in col. 6, lines 53-72 of Johnston. Accordingly, claims 1, 9 and 16, as amended, of the present application are not anticipated by Johnston since Johnston does not disclose, teach, or suggest a fastener extending through the bores in each of the first and second splice plates and insulator assemblies as disclosed and claimed in the present application. Likewise, since claims 2-8 depend from independent claim 1 (as amended), claims 10-15 depend from independent claim 9 (as amended), and claims 17-20 depend from independent claim 16 (as amended) also are not anticipated by Johnston. Therefore, Applicant respectfully requests that the Examiner withdraw his rejection under 35 U.S.C. § 102(b).

On page 3, paragraph 4 of the Office Action, the Examiner has rejected claims 1-6, 8-13, 15-18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner, et al (USPN: 5,760,339) in view of F.C. Johnston, et al (USPN: 3,004,097). Faulkner discloses a busway joint and the Examiner believes it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection of the elbow stack of Faulkner by making an angle connection as taught by Johnston to connect conveniently the busway sections in any direction..

In response, Applicant submits that one ordinarily skilled in the art would not combine that which is taught by Faulkner and Johnston. Specifically, Applicant has amended independent claims 1, 9 and 16 to recite a combination of subject matter the Applicant believes to be allowable and Applicant reiterates his comments with respect to Johnston above particularly with respect to the functioning of the Johnston bolt 54. Further, Applicant submits that the inventor of the present application is also one of the named inventors of the Faulkner, et al patent. Applicant submits that if the combination of Faulkner, et al and Johnston as suggested by the Examiner was not obvious to Faulkner, as one ordinarily skilled in the art in March of 1993, it is not obvious at the time the present application was filed.

As stated above, the Applicant has pointed out the differences in structure and functionality of the various elements cited by the Examiner in the prior art patents combined by the Examiner to make his obviousness rejections. The Applicant submits that, as stated above, the claims, as amended, are patentably distinct from the prior art cited by the Examiner and that one ordinarily skilled in the art would not be compelled to combine the Johnston patent with the Faulkner patent to obtain that which is disclosed and claimed in the present application since it was not taught or suggested by Faulkner in his previous patent.

Applicant submits that independent claims 1, 9 and 16, as amended, are not obvious as suggested by the Examiner as described above. Accordingly, claims 2-8 which depend from independent claim 1, dependent claims 10-15 which depend from independent claim 9 and dependent claims 17-20 which depend from independent claim 16 are therefore also not obviousness under the combination suggested by the Examiner. Therefore, Applicant respectfully requests that the Examiner withdraw his rejection of the independent claims cited above under 35 U.S.C. § 103(a).

On page 5, paragraph 5 of the Office Action, the Examiner has rejected claims 7, 14 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Faulkner et al in view of F.C. Johnson et al and in further view of Hicks Jr. et al (USPN: 4,728,752). In response, Applicant has cancelled claims 7, 14 and 19.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

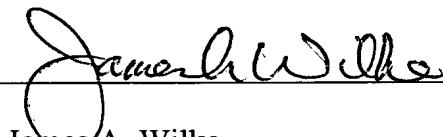
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10-13-05

By



James A. Wilke
Attorney for Applicant
Registration No. 34,279

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900